REMARKS

The Office Action dated August 16, 2006 considered claims 1-41. Claims 15 and 32 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-11, 15-23, 25-27, and 32-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Serlet, et al. (U.S. Patent No. 6,842,770) (hereinafter "Serlet") and French (U.S. Patent No. 6,654,794) (hereinafter "French"). Claims 12-14, 28-30, and 39-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Serlet, et al. (U.S. Patent No. 6,842,770) and French (U.S. Patent No. 6,654,794) as applied to claims 1 and 16 , and further in view of Prust (U.S. Patent No. 6,714,968) (hereinafter "Prust"). Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Serlet et al. and French as applied to claim 16, and further in view of Deen et al. (U.S. Patent No. 6,629,127).[1]

By this amendment, claims 1, 15, 16, 32, and 33 are amended[2] such that claims 1–41 remain pending. Claims 1, 16, and 33 are the only independent claims at issue.

As reflected in the claims, the present invention is directed generally towards embodiments for transparent access to WebDAV files. In this regard, it will be noted that Serlet, the primary reference of record, is also generally directed towards embodiments for accessing files stored remotely on computers, although quite differently than in the manner implemented by the present invention. The secondary reference, French, however, is directed towards methods for accessing a remote resource specified in a format "*different* than a HyperText Transfer Protocol (HTTP)-compatible format."[3]

Concerning Dependent Claim 24:

One reference within the cited prior art used as a partial basis for a 35 U.S.C. § 103(a) rejection of claim 24, Deen, U.S. Patent No. 6,629,127, is assigned to Microsoft Corp. (Redmond, WA). It should be noted that Microsoft is also the assignee of the present invention. As such, Deen should be disqualified as prior art and should not be used as the basis for a 103(a) rejection. As such, claim 24 should not be rejected and the applicant respectfully requests its prompt allowance.

Concerning Independent Claim 1:

It is noted that Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Serlet in view of French. However, for at least the reasons mentioned above, Serlet and French should not be combined. Serlet et al involves handling "file system request[s] involving a pathname and file that refers to a file on a WebDAV enabled HTTP server." Serlet c.6 l.25-30. French, on the other hand, involves the translation of a "file system ... request ... in a format *different than* a HyperText Transfer Protocol

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the amendments may be found generally in the specification and is discussed, below, in the discussions of the particular claims.

[3] *See* French, abstract (emphasis added). It should be noted that WebDAV is a HyperText Transfer Protocol (HTTP)-compatible format and therefore French should not be read on inventions which are directed towards handling WebDAV-formatted requests.

(HTTP)-compatible format." French c.2 l.8-22 (emphasis added). Serlet and French are directed toward distinct and incompatible tasks and there does not appear to be any motivation for combining these references. In fact, Serlet teaches a particular way for *actual* WebDAV HTTP requests to be handled on a system upon which they are not native, while French is directed towards contrasting embodiments in which file requests which, originally, *are not* WebDAV HTTP requests can be *translated into* WebDAV HTTP requests. Because of at least this distinction, French teaches away from Serlet so French and Serlet cannot be used simultaneously and therefor would not be appropriately combined towards a 35 U.S.C. § 103 obviousness rejection.

Despite it being inappropriate to combine French with Serlet, claim 1 has nonetheless been amended to more specifically clarify that the invention is for "handling WebDAV server and file access requests." With this amendment, it will be appreciated that French is no longer applicable and cannot be read on the present invention because French teaches only the handling of requests "in a format *different than* a HyperText Transfer Protocol (HTTP)-compatible format."

As discussed above, the Applicant believes that rejections to claim 1 under 35 U.S.C. § 103(a) is now moot, such that claim 1 and all of the corresponding dependent claims are now in immediate condition for allowance.

Concerning Independent Claim 16:

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Serlet in view of French.

As explained in the discussion of claim 1, above, it would be inappropriate to combine French with Serlet because French teaches away from Serlet. Serlet teaches *actual* WebDAV HTTP requests being handled whereas French teaches file requests which *are not* WebDAV HTTP requests being *translated into* WebDAV HTTP requests.

Although it would be inappropriate to combine French with Serlet for the above reasons, claim 16 has nevertheless been amended to more particularly point out the distinction between the present invention and that taught by French. Claim 16 now recites that the requests to be handled originate in WebDAV format,[4] making the distinction from French explicit.

As discussed above, the applicant believes that rejection of claim 16 under 35 U.S.C. § 103(a) is not supportable and claim 16, as amended, is in condition for prompt allowance. Accordingly, the applicant respectfully requests the rejections of claim 16 under 35 U.S.C. § 103(a) be withdrawn and claim 16 be allowed.

Concerning Independent Claim 33:

[4] *See* Specification p. 17 ("a WebDAV URI name has the following syntax, (with bracketed parts being optional): `http://hostname[:port] [/path] or https://hostname[:port] [/path]`").

Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Serlet in view of French.

As explained in the discussion of claim 1, above, it would be inappropriate to combine French with Serlet because French teaches away from Serlet. Serlet teaches *actual* WebDAV HTTP requests being handled whereas French teaches file requests which *are not* WebDAV HTTP requests being *translated into* WebDAV HTTP requests.

Although it would be inappropriate to combine French with Serlet for the above reasons, claim 33 has nevertheless been amended to more particularly point out the distinction between the present invention and that taught by French. Claim 33 now recites that the requests to be handled originate in WebDAV format,[5] making the distinction from French explicit.

As discussed above, the applicant believes that rejection of claim 33 under 35 U.S.C. § 103(a) is not supportable and claim 33, as amended, is in condition for prompt allowance. Accordingly, the applicant respectfully requests the rejections of claim 33 under 35 U.S.C. § 103(a) be withdrawn and claim 33 be allowed.

Concerning Claims 15 and 32:

Claims 15 and 32 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claims 15 and 32 have been amended to limit them to "recordable" media and therefore should now be directed towards acceptable subject matter. It should be noted, however, the applicant respectfully disagrees that data signals sent over wired and wireless media do not meet the "useful, concrete, and tangible result" test set forth in *In re Alappat*, 33 F.3d 1526, 1544 (Fed. Cir. 1994) (cited by *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373 (Fed. Cir. 1998)). Computer code recorded on magnetic media are electromagnetic signals which may be sensed by appropriate computer equipment and executed by appropriate computer processing units. So, too, is computer code conveyed by wireless means electromagnetic signals which may be sensed by appropriate computer equipment and executed by appropriate computer processing equipment. Wireless signals should be considered both "useful" and "tangible" under the test enunciated by *Alappat* and cited by *State Street Bank*. *See State Street Bank*, 149 F.3d at 1373 (citing *Alappat*, 33 F.3d at 1544). The foregoing argument notwithstanding and being mindful of the Interim Guidelines (which indicate a similar view towards wireless signals), the applicant has amended claims 15 and 32 to reflect the Examiner's concern.

Because all the independent claims have been addressed and should now be in condition for allowance, the dependent claims are not addressed but they, too, should also be in condition for allowance.

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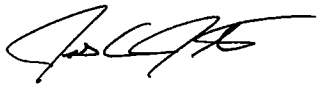
[5] *See*, supra, note 4.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 16th day of October, 2006.

Respectfully submitted,



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